

## **REMARKS**

### **I. Introduction**

Claims 1-17 are pending in the application. In the Office Action dated July 22, 2009, the Examiner rejected claim 42 under 35 U.S.C. § 101 as claiming the same invention as claim 14 of U.S. Pat. No. 6,324,537 and claim 18 of U.S. Pat. No. 6,539,380, and rejected claim 1 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. Pat. No. 6,324,573 and claim 18 of U.S. Pat. No. 6,529,380. Additionally, the Examiner objected to claims 1 and 2 as using acronyms without additional definitions; rejected claims 1-9, 12, and 14-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,280,527 ("Gullman") in view of U.S. Pat. No. 6,014,666 ("Helland"); rejected claims 10, 11, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Gullman in view of Helland and U.S. Pat. No. 5,805,719 ("Pare"). In this Amendment, Applicants have amended claims 1, 4, and 6-17, and cancelled claims 2, 3, and 15.

### **II. Double Patenting Rejection**

On Monday, Nov. 16, 2009, Scott W. Brim contacted Examiner Tinkler regarding the double patenting rejections in the outstanding Office Action. In a voicemail from Examiner Tinkler on Tuesday, Nov. 17, 2009, the Examiner agreed that claim 42 is no longer pending so there is no double patenting rejection under 35 U.S.C. § 101. Additionally, the Examiner agreed that PAIR shows that terminal disclaimers were filed with respect to the present application and U.S. Pat. Nos. 6,324,572 and 6,529,380 to overcome the nonstatutory obviousness-type double patenting rejections.

### **III. Objection to Claim 1**

In this Amendment, Applicants have amended independent claim 1 as requested by the Examiner to define USB as a universal serial bus.

#### **IV. Rejections Under 35 U.S.C. § 103(a)**

Amended independent claim 1 is directed to a removable storage device configured to communicate with a host device over a universal serial bus (USB). The removable storage device comprises flash memory, a biometric interface, and a processor. The flash memory stores at least one permission for determining access to the flash memory. The biometric interface receives a request to access the flash memory. The processor executes at least one instructions and compares the request to access the flash memory to the at least one permission without assistance from an operating system of the host device, such that if the at least one permission includes a type of access requested in said request, the processor provides access to the flash memory, and alternatively if the at least one permission does not include a type of access requested in the request, the processor does not provide access to the flash memory. The proposed combination of Gullman, Helland, and Pare fail to teach the claimed removable storage device.

Gullman is directed to a biometric token for authorizing access to a host system. Generally, Gullman teaches a security apparatus that receives a biometric input form a user and compares the received biometric input to a stored template. The security apparatus generates a token based on a determined correlation between the biometric input and the stored template, and provides the token to the user. The user then provides the generated token to a host system, which determines whether to grant the user access to the host system based on the received token. Gullman does not teach a removable storage device comprising a biometric interface for receiving a request to access a flash memory of the removable storage device. Gullman also does not teach a removable storage device comprising a processor for comparing, without assistance from an operating system of a host system, a request at a biometric interface to access flash memory of the removable storage device with at least one permission to determine whether to grant access to the flash memory of the removable storage device. In Gullman, it is the host system that determines whether to grant a user access to the resources of the host system based on a received token.

Helland is directed to declarative and programmatic access control of component-based server application using roles. In the Office Action, the Examiner cites col. 5, line 55 – col. 6, line 5 and col. 6, lines 13-27 of Helland for teaching a universal serial bus, a USB controller, a flash memory, and a flash memory controller. Col. 5, line 55 – Col. 6, line 5 of Helland teach that a server may include components such as a hard drive, magnetic disk drive, optical drive, flash memory cards, and/or Bernoulli cartridges that provide storage for the server. Col. 6, lines 13-27 of Helland teaches that a user may enter commands and other information into a server through devices such as a keyboard and mouse that communicate with the server over a universal serial bus.

As with Gullman, the cited portions of Helland fail to teach a removable storage device comprising a biometric interface for receiving a request to access a flash memory of the removable storage device. The cited portions of Helland additionally fail to teach a removable storage device comprising a processor for comparing, without assistance from an operating system of a host system, a request at a biometric interface to access a flash memory of the removable storage device with at least one permission to determine whether to grant access to the flash memory of the removable storage device.

Gullman and Helland, alone or in combination, fail to teach a removable storage device comprising a biometric interface for receiving a request to access a flash memory of the removable storage device as recited in amended claim 1, and fail to teach a removable storage device comprising a processor for comparing a request to access the flash memory to at least one permission without assistance from an operating system of the host device, such that if said at least one permission includes a type of access requested in the request, access to the flash memory is provided, and alternatively if the at least one permission does not include a type of access requested in the request, access to the flash memory is not provided as recited in amended claim 1. The cited portions of Pare also fail to teach these elements. For at least this reason, amended independent claim 1, and any claim that depends on claim 1, is patentable over the combinations of Gullman, Helland, and Pare contemplated by the Examiner.

#### **IV. Conclusion**

In view of the amendments to the claims and the foregoing remarks, Applicants submit that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,

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